

Serial No.: 10/070,422
Atty. Docket No.: P67686US0

REMARKS

The Office Action mailed October 22, 2003, has been carefully reviewed and by this Amendment, claims 1-6 have been amended, and new claims 7-19 have been added. Claims 1-19 are pending. In view of the following remarks, favorable reconsideration of this application is respectfully requested.

The Examiner objected to the specification as containing informalities. By this Amendment, Applicant has corrected the informalities noted in the specification, as well as in the abstract, with a replacement abstract being submitted herewith on a separate sheet.

The Examiner rejected claims 1-6 under 35 U.S.C. 112, second paragraph, as being indefinite. Claim 1 has been corrected herein.

The Examiner rejected claims 1, 2, and 4-6 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,449,971 to Cawood, and rejected claim 3 under 35 U.S.C. 103(a) as being unpatentable over Cawood.

As clarified in amended claim 1, as well as new claims 7 and 15, the present invention is directed to a collecting bag for human body wastes including a bag member formed by two film blanks with an inlet opening provided in one of the film blanks and a

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discharge portion at a distance from the inlet opening and including a discharge opening that may be closed using a closure device. The discharge portion has a discharge position, in which the bag is open, and a position of use, in which the bag is closed. An accommodating means having an open receptacle is formed in the bag member by undetectably connecting the film blanks to each other to form a basis portion which, together with the inwardly directed portions of the film blanks around the basis portion, forms the receptacle or recessed area. When the discharge portion is in the position of use, the closure device is situated so as to fit within the recessed area. As a result, the closure device does not buckle with respect to the film blanks when the bag is expanded and discomfort for the user is avoided (see the last paragraph on page 3 spanning to page 4 of the specification). Instead, the open receptacle or recessed area formed by the basis portion fully accommodates the closure device in the in-use position of the bag so that the closure device does not protrude beyond the outermost plane of the bag member (see page 5, lines 21-28 of the specification). In this way the user's comfort is not only assured, but the bulkiness of the bag is reduced in terms of outward projection so that the user can wear the bag discretely. This is not shown or suggested by the prior art.

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Cawood discloses a urine collection method using a bag member 11 having an inlet opening 29 and a discharge opening 34 with a closure device 35b. However, while the Examiner has referred to reference numerals 26 and 27 as showing "accommodating means" and "basis portion", respectively, these elements in Cawood are not analogous to the accommodating means and basis portion of the present invention. In Cawood, the "accommodating means" and the "basis portion" are parts of a carrier system which make it possible for the user to carry the device on the body. Moreover, these parts are not situated proximal to the discharge portion and are not functionally related to the discharge portion, as is the case in the present invention where the closure device overlies the basis portion and fits within the open receptacle without protrusion beyond the outer contours of the bag in the plane of the bag when the discharge portion is in the in-use position (see page 5, lines 21-28 of the specification).

For at least the foregoing reasons, claims 1, 7 and 15 are patentable over the prior art. Claims 2-6, 8-14 and 16-19 are also in condition for allowance as claims properly dependent on an allowable base claim and for the subject matter contained therein.

With this Amendment, it is respectfully submitted that the present application is in condition for allowance. Should the

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Examiner have any questions or comments, the Examiner is cordially invited to telephone the undersigned attorney so that the present application can receive an early Notice of Allowance.

Respectfully submitted,

JACOBSON HOLMAN PLLC

By Harry S. Jacobson, Jr. by Sonya C. Fahey
Harvey B. Jacobson, Jr.
Reg. No. 20,851 reg No 40,495

400 Seventh Street, NW
Washington, D.C. 20004-2201
Telephone: (202) 638-6666
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HBJ:SCB